

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kenneth Wills Confirmation No.: 3296
Appl. No.: 09/698,077 Group Art Unit: 3663
Filed: October 30, 2000 Examiner: Luu, Matthew
For: METHODS AND SYSTEM FOR INFORMATION SEARCH AND RETRIEVAL

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Commissioner for Patents
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REPLY BRIEF

This Reply Brief is filed in response to the Examiner's Answer mailed on May 24, 2006, the Examiner's Answer being in response to an Appeal Brief filed March 30, 2006. This Brief addresses the Examiner's Answer to the same.

In reply to the Examiner's Answer, Applicant again submits that the cited references, namely United States Patent No. 6,498,982, issued to Bellesfield et al. and United States Patent No. 5,802,492, issued to DeLorme et al., fail to teach or suggest selecting information using a geometric shape generated based on a first distance value representing the distance between the first and second sites, and a second distance value representing a function performed on the first distance value as claimed in independent claims 29 and 38. More specifically, neither of the cited references teaches or suggests generating a geometric shape having the second distance value representing a function performed on the first distance value. Applicant also continues to submit that United States Patent No. 5,682,525, issued to Bouve et al. and United States Patent No. 5,802,492, issued to DeLorme et al., fail to teach or suggest a method of providing or sending trip planning information for a type of location of interest based on a range determined based on stored information associated with the type of location of interest as claimed in the independent claims 32 and 35.

In both the Grounds for Rejection and the Response to Argument sections of the Examiner's Answer, the Examiner has discussed the Bouve, DeLorme and Bellesfield patents in relation to the claimed invention. In this regard, the Examiner's Answer is, in large part, simply a repeat of the same recitations used in the final Office Action in rejecting the currently pending claims. Applicant respectfully submits that since the Appeal Brief pointed out the flaws in the Examiner's reasoning with respect to these rejections, and further since the Examiner's Answer

has not asserted any imperfections in the Applicant's arguments beyond repeating the previous rejections, no further discussion of these issues will be presented herein. Rather, Applicant will direct the comments presented herein toward responding to three specific assertions from the Examiner's Answer which represent the only new assertions raised in the Examiner's Answer.

I. Response to Examiner's Answer with respect to claims 29, 30, 38 and 39

In the Response to Arguments section related to claims 29, 30, 38 and 39, the Examiner's Answer simply repeats the previous rejections except for two new assertions. First, the Examiner's Answer asserts that the drawings fail to show "a geometric shape" and therefore, the Examiner has broadly interpreted the geometric shape as the geometric curve of Bellesfield and the circle shape disclosed by DeLorme. In reply, Applicant submits that, even assuming for the sake of argument that a geometric shape is disclosed in either Bellesfield or DeLorme, the cited references still fail to teach or suggest a second distance value representing a function performed on the first distance value as claimed in the claimed invention for the reasons presented in Applicant's Appeal Brief.

Second, the Examiner's Answer asserts that neither the drawings nor the specification describes the claimed feature "a second distance value representing a function performed on the first distance value". Accordingly, the Examiner stated that this claimed limitation was interpreted broadly based on the Bellesfield and DeLorme references. Applicant is first perplexed by the Examiner's statement. Examiner's statement appears at first to be a rejection under 35 U.S.C. §112, for a lack of written description, but no such rejection is made. In this regard, the claim recitation is clearly supported by the specification. For example at page 15, lines 8-13 of the present application describes the construction of a rhombus, wherein opposite points of the rhombus (i.e., the first distance value) correspond to the coordinates of Flagstaff and Phoenix, and the other two opposite points (i.e., the second distance value) are set apart from each other by a calculated distance such as the square root of the distance between Flagstaff and Phoenix (i.e., a function performed on the first distance value). Notwithstanding the above, even if the claim is recited broadly as suggested by the Examiner, as discussed above, the Bellesfield and DeLorme references nowhere teach or suggest "a second distance value representing a function performed on the first distance value" as recited in the claimed invention.

II. Response to Examiner's Answer with respect to claims 32, 33 and 35-37

As stated above, other than providing one new assertion, the Response to Arguments section of the Examiner's Answer simply repeats the previous rejections. In this regard, the Examiner has asserted that "the features upon which applicant relies (i.e., the scope of the vicinity is based upon a type of location of interest) are not recited in the rejected claim(s)". Applicant submits that the quotation above by the Examiner represents an inaccurate statement as the Applicant has never placed reliance on the above feature. Applicant has instead clearly and repeatedly asserted that the cited references fail to teach or suggest providing or sending trip planning information for a type of location of interest based on a range determined based on stored information associated with the type of location of interest which is clearly recited in independent claims 32 and 35. In this regard, Bouve does not specifically refer to a "range" as recited in the claimed invention. Accordingly, Applicant merely made the point that for the sake of comparison only, the scope of the vicinity about either the user location or a desired location could most readily be considered to correspond to the range, as recited in the claimed invention. Furthermore, where the shortcoming of Bouve is expressed in the Appeal Brief, Applicant recited that "Bouve fails to teach or suggest that the range (i.e., scope of the vicinity) is based upon stored information associated with a type of location of interest". Thus, the term "scope of the vicinity" was clearly only referred to for exemplary purposes and the feature relied upon (i.e., providing or sending trip planning information for a type of location of interest based on a range determined based on stored information associated with the type of location of interest) is clearly recited in the rejected claim.

Accordingly, other than the mere repeating of previous rejections which were addressed in the Appeal Brief, the only new issue raised by the Examiner's Answer is a misstatement of fact and, in any case, moot in view of the clear arguments presented in the Appeal Brief.

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CONCLUSION

For at least the foregoing reasons, as well as those presented in the Appeal Brief,
Applicants respectfully request that the rejections be reversed.

Respectfully submitted,



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